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EXAMINER

GEDRICH, SARAH R

ART UNIT PAPER NUMBER

3625

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/927,661	<b>Applicant(s)</b> SU, XIAOQIANG	
	<b>Examiner</b> Sarah R. Gedrich	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-31 are pending.

#### ***Election/Restrictions***

Applicant's election without traverse of invention I in the reply filed on 02 March 2005 is acknowledged.

#### ***Specification***

The abstract of the disclosure is objected to because the abstract exceeds the maximum limit of 150 words and 25 lines. Correction is required. See MPEP § 608.01(b).

The use of the trademark PALM PILOT has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The disclosure is objected to because of the following informalities: "livery" recited on page 28 line 11 should be "delivery."

Appropriate correction is required.

Claims 12-14 are objected to because of the following informalities:

"communicating said customers" should be "communicating with said customers."

Appropriate correction is required.

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Claim 16 is objected to because of the following informalities: there should be only one “and” before “the Internet.” Appropriate correction is required.

Claim 23 is objected to because of the following informalities: “refusing accepting” should be “refusing to accept.” Appropriate correction is required.

Claim 29 is objected to because of the following informalities: “using said first means to place an order” should be “using said second means to place an order.” Appropriate correction is required.

The applicant is encouraged to review the claims in their entirety and make all appropriate corrections.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-17, 19-21, and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. US Patent No. 6,587,835 (hereinafter referred to as “Treyz”).**

Treyz discloses a shopping assistance with handheld computing device. Treyz further discloses:

1. Referring to claim 1. A method of effecting commerce, comprising steps of:
  - (a) Providing a first means comprising at least one actual physically embodied supplier of products/services, in which a customer can receive from among a plurality of products/services: Handheld computing device 12 may be used to interact with restaurant 14, department store 16, shopping mall 18, supermarket 20, and other merchants such as merchant 22 (Treyz: Column 10, lines 9-12).
  - (b) Providing second means comprising display means and input means for interacting with a customer: Display 80 may include a liquid-crystal display (LCD) 82, a touch screen 84, or any other suitable display screens 86. Display 80 may be color or monochrome and may be front-lit or back-lit. An active matrix design may be used if desired. Communications and I/O 88 may include keys or other input interface devices 90 such as a touch pad, track ball, or other pointing device, a keypad a keyboard, dedicated buttons, etc. Small keys or buttons may be used to ensure that handheld computing device is relatively small and lightweight (Treyz: Column 15, lines 10-25).
  - (c) Maintaining an electronic-commerce (e-commerce) server system, comprising: A service provider such as service provider 24 may be used to provide information, process orders, etc. Service provider 24 may be associated with one or more merchants or may operate independently (Treyz: Column 10, lines 15-20).
    - i. First storing means for storing data representing an inventory of products/services offered by said one actually embodied supplier at said

first means: Handheld computing device 12 may use a database that correlates bar codes or RFID codes with different items. This allows handheld computing device 12 to display information in region 290 that includes a brief description of the identified item. The database may be maintained at a merchant or service provider or any other suitable establishment or entity (Treyz: Column 26, lines 40-50). The user may also check to determine whether the wirelessly identified item is in stock (Treyz: Column 27, lines 30-32).

- ii. Second storing means for storing data representing information related to customers: If desired, the financial information may be stored at a remote location such as on a server associated with a service provider connected to communications network 32 (Treyz: Column 18, lines 14-17).
- iii. Means for communicating information in said first storing means and said second storing means over a communication network: The components of FIGS. 1 and 2 may be interconnected using any suitable wired or wireless communications paths. Analog and digital transmissions may be involved. Communications paths may use the Internet. Packet-based arrangements may be used. Wired paths may use cable or other wires or fiber optics. Wireless paths may use optical or radio-frequency communications. Certain types of communications favor wireless paths (Treyz: Column 12, lines 56-63).

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- (d) Providing a communication network, whereby said second means and said electronic- commerce server system are connected and may communicate with each other: Handheld computing device 12 may interact with various entities using wireless and wired communications. (Treyz: Column 9, lines 57-58).  
Handheld computing device 12 may be used to interact with restaurant 14, department store 16, shopping mall 18, supermarket 20, and other merchants such as merchant 22 (Treyz: Column 10, lines 9-12).
  - (e) A customer using said second means to communicate with said electronic-commerce server system to place an order for products/services from said at least one actual physically embodied supplier: Shopping list information may be provided to a service provider or merchant at suitable predefined intervals. The service provider may store the information until requested by the user (e.g., when shopping) or may provide the information to the store or other establishment in advance for local retrieval by the user when shopping (Treyz: Column 14, lines 25-40).
  - (f) Delivering said order to a location designated by said customer: the user may designate certain items for home delivery (Treyz: Column 14, lines 42-43).
2. Referring to claim 2.
- First means is a shopping mall: shopping mall 18 (Treyz: Column 10, line 10).
3. Referring to claim 3.

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- First means is a commercial district shopping center: The information from the shopping list may be provided to the user when shopping in a store, mall, or other establishment 34 (Treyz: Column 11, lines 18-20).

The Examiner notes that commercial district shopping centers, strip malls, etc. are included as other establishments.

4. Referring to claim 4.

- Second means are set up in a collective manner at said first means: Kiosk 216 may also be used as a vending machine to supply products or services to the user (Treyz: Column 22, lines 49-51).

The Examiner notes that one or more kiosks set up as vending machines would be a collective manner.

5. Referring to claim 5.

- Second means are set up in a distributive manner at said first means: mobile electronic devices such as shopping-cart-mounted electronic devices or the like may be used to perform the functions of handheld computing devices such as handheld computers or the like (Treyz: Column 10, lines 3-6).

The Examiner notes that providing shopping-cart-mounted electronic devices would be set up in a distributive manner at the first means. The carts would be distributed for use at the first means, which allows for mobility through multiple locations

6. Referring to claim 6.



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- Second means is a personal computer: In-home electronic device 28 may be any suitable in-home electronic device or appliance, such as a personal computer (Treyz: Column 10, lines 45-47).

7. Referring to claim 7.

- Input means of said second means is a touch sensitive Screen: Display 80 may include a liquid-crystal display (LCD) 82, a touch screen 84, or any other suitable display screens 86 (Treyz: Column 15, lines 11-12).

8. Referring to claim 8.

- Second means is a Personal Digital Assistant (PDA): Handheld computing device 12 may be a handheld computer or any other suitable handheld computing device (Treyz: Column 9, lines 59-60).

9. Referring to claim 9.

- Second means is a mobile electronic device: The handheld computing device 12 and automobile personal computer 44 are mobile devices (Treyz: Column 12, line 67- Column 13, line 1).

10. Referring to claim 10.

- Second means further comprises means for communicating with a mobile device: Certain types of communications favor wireless paths. For example, handheld computing device 12 and automobile personal computer 44 of FIG. 2 typically communicate with the components of FIG. 2 via wireless paths (Treyz: Column 12, lines 62-66).

11. Referring to claim 11.

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- Communication network is a local area network: Another example of a local communications path is a wireless path between handheld computing device 12 and a wireless local area network. Such a wireless local area network may act as a local access point to a larger communications network such as the Internet (Treyz: Column 13, lines 33-38).

12. Referring to claim 12.

- Communicating said customers over a wide area network: Wireless communications paths over longer distances are referred to herein as "remote" communications paths or links. Examples of remote communications paths include cellular telephone links to terrestrial cellular base stations, satellite links, links to FM data services that are distributed from terrestrial broadcast stations, etc (Treyz: Column 13, lines 39-47).

The Examiner notes that the art does not explicitly disclose a wide area network, however, the Internet is a wide area network, and the art also acknowledges communication paths over long distances.

13. Referring to claim 13.

- Communicating said customers over the Internet: Another example of a local communications path is a wireless path between handheld computing device 12 and a wireless local area network. Such a wireless local area network may act as a local access point to a larger communications network such as the Internet (Treyz: Column 13, lines 33-38).

14. Referring to claim 14.

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- Communicating said customers over a wireless network: Another example of a local communications path is a wireless path between handheld computing device 12 and a wireless local area network. Such a wireless local area network may act as a local access point to a larger communications network such as the Internet (Treyz: Column 13, lines 33-38).

15. Referring to claim 15.

- A customer communicating with said at least one actual physically embodied supplier over a phone line: The components of FIGS. 1 and 2 may be interconnected using any suitable wired or wireless communications paths (Treyz: Column 12, lines 56-57). The handheld computing device 12 may be used to provide the user with an opportunity to send and receive e-mail, telephone calls, voice mail, paging messages, data service feeds, and any other suitable information or messages (Treyz: Column 16, lines 60-63).

16. Referring to claim 16.

- Communication network is a combination of at least two of a local area network, a wide area network, a wireless network, and the Internet: Another example of a local communications path is a wireless path between handheld computing device 12 and a wireless local area network. Such a wireless local area network may act as a local access point to a larger communications network such as the Internet (Treyz: Column 13, lines 33-38).

17. Referring to claim 17.

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- A customer identifying himself/herself at said second means: the handheld computing device may be used to provide the user with an opportunity to use the financial information that was provided to handheld computing device 12 in a financial transaction (Treyz: Column 18, lines 22-25). The transactions performed at step 162 may be placed under password control. The user may supply a password using keys or an on-screen keyboard. The user's identity may also be verified using handwriting or signature recognition arrangements (Treyz: Column 18, lines 41-45).

18. Referring to claim 19.

- Delivering includes a sub step of an in-store picking up by a customer: service provider 46 may support multiple services. For example, service provider 46 may support a product ordering service (e.g., on-line grocery deliveries or grocery orders processed for in-store pickup) and a shopping assistance service (Treyz: Column 11, lines 58-61).

19. Referring to claim 20.

- Delivering items from at least one product/services suppliers at the first means to a plurality of locations: The user may also be provided with on-screen options that allow the user to purchase products and to request that products be delivered to the user's home or other suitable location (Treyz: Column 57, lines 13-16).

20. Referring to claim 21. Delivering includes the sub steps of:

- (a) Picking up an item from a first location selected by said customer: a user may use handheld computing device 12 to place an order at the deli section of the supermarket (Treyz: Column 63, lines 43-44).
- (b) Delivering said item to a second location selected by said customer for processing: After the user has placed the order, the order may be processed by the store (Treyz: Column 65, lines 37-38).
- (c) Delivering said item to a third location selected by said customer after processing: service provider 46 may support a product ordering service (e.g., on-line grocery deliveries or grocery orders processed for in-store pickup) and a shopping assistance service (Treyz: Column 11, lines 58-61).

The Examiner notes that a customer could order deli products from a supermarket in-store deli. Once the deli product(s) is ready, someone would pick up the deli product at (the first location being the deli counter), take the deli product to the check out for processing (the check out would be the second location), and delivering the deli product(s) and possibly other groceries to the home of the customer (the customer's home being the third location). The Examiner also notes that each location is selected by the customer through deciding to order the deli product from the deli counter location, from a specific supermarket, to be delivered to the customer's home.

21. Referring to claim 24.

- Providing means for said electronic-commerce server system to locate a customer at a second means without asking said customer to explicitly identify location of said second means: the location of handheld computing device 12

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and therefore the user may be determined using global positioning system (GPS) satellites, as shown in FIG. 18 (Treyz: Column 23, lines 37-39).

22. Referring to claim 25.

- Electronic-commerce server system changing information in said first storing means and said second storing means in accordance with said order: The inventory database may be maintained at a merchant or service provider or any other suitable establishment or entity (Treyz: Column 26, lines 40-50). If desired, the financial information may be stored at a remote location such as on a server associated with a service provider connected to communications network 32 (Treyz: Column 18, lines 14-17). Information on the amount of the transaction may be provided to the service provider by the handheld computing device 12 or by the merchant with which the handheld computing device interacted during the financial transaction. Such a database may be maintained by the service provider or other suitable entity (Treyz: Column 46, lines 13-23).

The Examiner notes that the service provider server could maintain the databases, which would entail updating or changing the information stored in accordance with an order.

23. Referring to claim 26.

- Providing means for tracking a customer's historical purchased items from said first means: Screen 694 may also contain information on the historical locations 698 of handheld computing device 12 at various times 696. For each time and location entry on screen 694, information 700 may be provided on the amount

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and nature of each corresponding financial transaction (Treyz: Column 46, lines 9-13).

24. Referring to claim 27. A method of claim 1, further comprising the steps of:

- (a) Providing third storing means for said electronic-commerce server system for storing products/services promotion information associated with said at least one actual physically embodied supplier: Services such as maintaining a customer's shopping list or wish list or maintaining information on products, categories of products, and manufacturers, providing directory information, maps, advertisements and other promotional information, etc. may be performed using computers at any suitable locations (Treyz: Column 35, lines 4-9).
- (b) Communicating said promotion information to a customer at said second means over said communication network: Passive and interactive promotional material are provided using unidirectional and bidirectional communication paths, respectively (Treyz: Column 31, lines 48-58).

25. Referring to claim 28. A method of claim 1, further comprising the step of a customer using a shopping list to place an order at said second means, comprising the steps of:

- (a) Said customer building a first list of items: Steps involved in allowing the user to use handheld computing device 12 or other equipment to identify products, categories of products, manufacturers, etc. and in providing the user with related information and services are shown in FIG. 26 (Treyz: Column 29, lines 34-38).

- (b) Said customer submitting said first list to said electronic-commerce server system over said communication network: An item, category of item, or manufacturer may be identified in a store or other establishment by bar code scanning, by RFID identification techniques, by entry of product information into handheld computing device 12 using on-screen options, by receiving product information over an IR link (e.g., from a kiosk or terminal associated with the store or adjacent to the product), by using an memory card to pass information to handheld computing device 12, by a remote wireless link, by a wired link, by selecting from on-screen options that list products by categories or manufacturers, etc., or by using any other suitable technique (Treyz: Column 29, lines 41-52).
- (c) Said electronic-commerce server system returning a list of items for sale at said first means: An item, category of item, or manufacturer may be identified in a store or other establishment by bar code scanning, by RFID identification techniques, by entry of product information into handheld computing device 12 using on-screen options, by receiving product information over an IR link (e.g., from a kiosk or terminal associated with the store or adjacent to the product), by using an memory card to pass information to handheld computing device 12, by a remote wireless link, by a wired link, by selecting from on-screen options that list products by categories or manufacturers, etc., or by using any other suitable technique (Treyz: Column 29, lines 41-52).



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- (d) Said customer using the returned list to build a second list of items for purchase: When a product has been identified to handheld computing device 12 in a store or other establishment options such as option 310 may be provided to allow the user to add an item of interest to the user's shopping cart (Treyz: Column 28, lines 44-63).
- (e) Said customer submitting said second list of items to said electronic-commerce server system and thus completing order of said second list of items: the user may purchase the item from an electronic service maintained by the merchant and accessed over a local IR or RF wireless link. The user may also purchase the item from a web site or other electronic service (Treyz: Column 29, lines 11-12).

The Examiner notes that a list of items, categories, etc. is submitted to the service provider through a search. Information regarding the items (price, availability, discounts, etc.) is returned. The consumer adds items of interest to a shopping cart and submits the shopping cart list for purchase.

26. Referring to claim 29.

- A second customer using said [second] means to place an order from a supplier at said first means: Restrictions allow for a parent to control or monitor the shopping behavior of a child who is using handheld computing device 12 (Treyz: Column 45, lines 52-57).

The Examiner notes that there could be multiple users of the second means that place multiple orders from the first means and that parent and child is only one example.

27. Referring to claim 30. A method of claim 1 further comprising the steps of:

- (a) Maintaining a control means at a supplier at said first means, wherein said control means may communicate with said electronic-commerce server system over said communication network: When the user is in the vicinity of a store, the user may obtain product information and access services related to the products and services of the store and the manufacturers associated with these products and services. Handheld computing device 12 may be used to obtain such product information from a local computer associated with the store or from a remote computer (e.g., a remote server associated with the store, a manufacturer, or service provider, etc.) (Treyz: Column 32, lines 23-31).
- (b) An in-store customer checking out at least one item from said supplier with said control means: the user may pay for a product in a store by wirelessly conveying information on the user's credit card, debit card, account, or other financial information to equipment in the store such as a cash register with wireless financial transaction capabilities (Treyz: Column 17, lines 61-65).
- (c) Said control means indicating to said electronic-commerce server system to change information in said first storing means in accordance with said in-store customer checking out: Information on the amount of the transaction may be provided to the service provider by the handheld computing device 12 or by the

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merchant with which the handheld computing device interacted during the financial transaction (Treyz: Column 46, lines 13-17).

- (d) Said electronic-commerce server system accordingly changing information in said first storing means in accordance with said in-store customer checking out:

The inventory database may be maintained at a merchant or service provider or any other suitable establishment or entity (Treyz: Column 26, lines 40-50).

The Examiner notes that a merchant may maintain a computer used for accessing a service provider storing inventory and informational data and for checking out customers. The merchant could also inform the service provider of the transaction in order to maintain the inventory databases, which require the service provider to update or change the information in accordance with the customer's order or purchase.

28. Referring to claim 31. A method of claim 1, further comprising the steps of:

- (a) Maintaining a control means at a supplier at said first means, wherein said control means may communicate with said electronic-commerce server system over said communication network: When the user is in the vicinity of a store, the user may obtain product information and access services related to the products and services of the store and the manufacturers associated with these products and services. Handheld computing device 12 may be used to obtain such product information from a local computer associated with the store or from a remote computer (e.g., a remote server associated with the store, a manufacturer, or service provider, etc.) (Treyz: Column 32, lines 23-31).

- (b) An in-store customer providing identification information: the handheld computing device may be used to provide the user with an opportunity to use the financial information that was provided to handheld computing device 12 in a financial transaction (Treyz: Column 18, lines 22-25). The transactions performed at step 162 may be placed under password control. The user may supply a password using keys or an on-screen keyboard. The user's identity may also be verified using handwriting or signature recognition arrangements (Treyz: Column 18, lines 41-45).
- (c) Said in-store customer checking out at least one item from said supplier with said control means: the user may pay for a product in a store by wirelessly conveying information on the user's credit card, debit card, account, or other financial information to equipment in the store such as a cash register with wireless financial transaction capabilities (Treyz: Column 17, lines 61-65).
- (d) Said control means indicating to said electronic-commerce server system to change information in said first storing means in accordance with said in-store customer checking out: Information on the amount of the transaction may be provided to the service provider by the handheld computing device 12 or by the merchant with which the handheld computing device interacted during the financial transaction (Treyz: Column 46, lines 13-17).
- (e) Said electronic-commerce server system accordingly changing information in said first storing means in accordance with said in-store customer checking out:

The inventory database may be maintained at a merchant or service provider or any other suitable establishment or entity (Treyz: Column 26, lines 40-50).

- (f) Said control means indicating to said electronic-commerce server system to change information in said second storing means in accordance with said in-store customer checking out and said identification information: Information on the amount of the transaction may be provided to the service provider by the handheld computing device 12 or by the merchant with which the handheld computing device interacted during the financial transaction (Treyz: Column 46, lines 13-17).
- (g) Said electronic-commerce server system accordingly changing information in said second storing means in accordance with said in-store customer checking out and said identification information: a historical database may be maintained by the service provider or other suitable entity (Treyz: Column 46, lines 22-23).

The Examiner notes that a merchant may maintain a computer used for accessing a service provider storing inventory and informational data and for checking out customers. The merchant could also inform the service provider of the transaction in order to maintain the inventory and historical databases, which require the service provider to update or change the information in accordance with the customer's order or purchase.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Buettgenbach et al. Patent Application Publication US 2002/0032613 (hereinafter referred to as "Buettgenbach").**

Treyz teaches all the limitations as discussed above in the 35 U.S.C. 102(e) rejection. Treyz fails to disclose providing a storage means to a customer, delivering said order to said storage means, a return order where the customer using said second means to place a return order, indicating a desire to return an item back to a respective supplier at said first means, picking up said item from a first location indicated by said customer, and delivering said item from said first location to a second location defined by said respective supplier. Buettgenbach teaches a method and system for the physical delivery of goods ordered through an electronic network. Buettgenbach further discloses:

29. Referring to claim 18. A method of claim 1, further comprising the steps of:

- (a) Providing a storage means to a customer: Will-Call Centers may vary considerably with respect to storage attributes. For example, some Will-Call Centers may be equipped to handle bulky goods. Other Will-Call Centers offer

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increased security for expensive products, refrigerated storage for perishables, etc (Buettgenbach: paragraph 0032).

- (b) Delivering said order to said storage means: The ordered product ("delivery") is shipped to the Will-Call Center 106 by a common carrier or by the vendor and securely stored until picked up by the buyer 102 or by a person or service designated to pick up the delivery ("recipient")(Buettgenbach: paragraph 0031).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Treyz to include providing a storage means to a customer and delivering said order to said storage means as taught by Buettgenbach in order to provide item security (Buettgenbach: paragraph 0006) and a place for couriers to leave packages for consumers who are not at home to accept deliveries (Buettgenbach: paragraph 0006), respectively.

30. Referring to claim 22.

- Order is a return order, further comprising the steps of: As is well known, goods that are purchased are often later returned (Buettgenbach: paragraph 0079).
- (a) A customer using said second means to place a return order, indicating a desire to return an item back to a respective supplier at said first means: Where provided by the buyer or returning party, the notification is preferably created by electronic communication with the Will-Call Center (Buettgenbach: paragraph 0082).
- (b) Picking up said item from a first location indicated by said customer: the process provides the package to the common carrier for shipping. In one

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embodiment, the package is scanned and the pick up time is entered into the database (Buettgenbach: paragraph 0106).

- (c) Delivering said item from said first location to a second location defined by said respective supplier: the Will-Call Center arranges for the return to be shipped to the place specified by the vendor (Buettgenbach: paragraph 0087).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Treyz to include a return order where the customer using said second means to place a return order, indicating a desire to return an item back to a respective supplier at said first means, picking up said item from a first location indicated by said customer, and delivering said item from said first location to a second location defined by said respective supplier as taught by Buettgenbach in order to quickly and accurately return items purchased through e-commerce to the vendors (Buettgenbach: paragraph 0101) by allowing the user to enter return information at a convenient time (Buettgenbach: paragraph 0101), maintain tracking information (Buettgenbach: paragraph 0108), and for the vendor to expect delivery (Buettgenbach: paragraph 0090), respectively.

**Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of “Refusing the goods” by Colin Barrett (hereinafter referred to as “Barrett”).**

Treyz teaches all the limitations as discussed above in the 35 U.S.C. 102(e) rejection. Treyz fails to disclose a customer refusing to accept an item and the refused



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item being returned to the supplier. Barrett teaches refusing delivered goods. Barrett further teaches:

31. Referring to claim 23. A method of claim 1, further comprising the steps of:

- (a) Said customer refusing to accept at least one item from said order upon seeing the delivered said order: The article discloses a customer accepting undamaged goods or refusing all goods (Barrett: lines 29-31).
- (b) Said refused item being delivered back to its respective supplier: The article also discloses that the supplier request return of the units (Barrett: lines 31-33).

The Examiner notes that the customer would have to seen the order to know it was damaged and then refuse the item(s). The Examiner notes that the items would be returned or delivered back to the supplier upon request.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Treyz to include a customer refusing to accept an item and the refused item being returned to the supplier as taught by Barrett in order to maintain ownership (Barrett: lines 37-40).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Know your shopping rights." Sarah Toyne. Sunday Times. London (UK): 23 July 2000
- "Item Delivery and Retrieval System." Tilles et al. US Patent No. 6,748,295.

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- "Method and System for Generating Incentives Based On Substantially Real-time Product Purchase Information." Deaton et al. US Patent No. 6,292,786.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (703) 306-5449. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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